

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS

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In re: the Application of: :  
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TEXAS KEYSTONE INC., Applicant, : Misc. Action No. \_\_\_\_\_  
:  
pursuant to 28 U.S.C. § 1782 to issue :  
subpoenas upon Prime Natural Resources, Inc. :  
and Jan Veldwijk for the taking of depositions :  
and the production of documents for use :  
in a foreign proceeding. :  
:  
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**APPLICATION FOR AN ORDER TO TAKE  
DISCOVERY PURSUANT TO 28 U.S.C. § 1782**

Texas Keystone Inc. (“Texas Keystone”) respectfully applies for an order pursuant to 28 U.S.C. § 1782 allowing it to issue subpoenas pursuant to Federal Rules of Civil Procedure 30 and 45 directing Prime Natural Resources, Inc. (“PNRI”) and Jan Veldwijk to provide testimony and produce documents, for use in an action pending in the High Court of Justice, Queen’s Bench Division, Commercial Court in London, England and captioned Claim No. 2010 Folio 1517 (the “UK Litigation”). In the UK Litigation, Excalibur Ventures LLC (“Excalibur”) asserts claims against four defendants: Texas Keystone, Gulf Keystone Petroleum Limited, Gulf Keystone Petroleum International Limited, and Gulf Keystone Petroleum (UK) Limited.

This application by Texas Keystone meets all of the statutory and discretionary factors considered under 28 U.S.C. § 1782. Texas Keystone seeks discovery for the purpose of using it in a proceeding that is pending in London’s High Court of Justice. PNRI and Jan Veldwijk are not parties to the litigation in London and can be found in this district. Texas Keystone is not using this proceeding as an attempt to circumvent the requirements of the High Court, the

English courts are receptive to this form of discovery, and the discovery sought is not unduly burdensome or intrusive.

In further support of this application, Texas Keystone relies on the accompanying memorandum of law and the declaration of Katie J. Colopy with accompanying exhibits, submitted herewith. Proposed subpoenas are attached hereto as Exhibit 1. A proposed order is attached hereto as Exhibit 2.

WHEREFORE, Texas Keystone respectfully requests that this Court enter an order:

1. Granting Texas Keystone's application for discovery from PNRI and Jan Veldwijk, pursuant to 28 U.S.C. § 1782;
2. Authorizing Texas Keystone to take discovery from PNRI and Jan Veldwijk relating to the issues identified in this application, including (a) issuing the subpoenas for the production of documents and depositions of PNRI and Jan Veldwijk in the forms attached hereto; and (b) issuing additional subpoenas for the production of documents and/or additional depositions as Texas Keystone may reasonably deem appropriate and as are consistent with the Federal Rules of Civil Procedure;
3. Directing PNRI and Jan Veldwijk to comply with such subpoenas in accordance with the Federal Rules of Civil Procedure and the Rules of this Court;
4. Appointing the undersigned to issue, sign, and serve such subpoenas upon PNRI and Jan Veldwijk and ordering that testimony in this matter may be taken before any certified court reporter authorized to take testimony and administer oaths and that such court reporters are hereby authorized to take testimony in this matter; and

5. Directing Texas Keystone Inc. to deliver copies of this order and any subpoenas issued pursuant to this order to the civil proceedings pending in London, England.

Dated: June 8, 2012

Respectfully Submitted,

/s/ Katie J. Colopy  
Katie J. Colopy (*attorney-in-charge*)  
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